relevant class licence;

(c) imports or distributes electronic communication equipment or apparatus or; establishes, installs, maintains and operates an electronic communication system or imports non-type approved electronic communication equipment or apparatus into the United Republic without a licence,

commits an offence and shall be liable upon conviction to a fine of not less than five million Tanzanian shillings or imprisonment for a term not less than twelve months or to both.

Failure to observe assignment requirements Act No. 12 of 2019 s. 9

117.-(1) Any person who uses radio frequency spectrum without obtaining any relevant individual assignment, commits an offence and shall be liable upon conviction to a fine of not less than two billion five hundred thousand million Tanzanian shillings or imprisonment for a term of not less than twelve months or to both and incase of continuing offence, to a fine of not less than seventy five million Tanzanian shillings for everyday during which the offence continues.

(2) Notwithstanding the provision of subsections (1) and (3) any person who willfully contravenes or fails to comply with the conditions imposed on his licence granted under this Act in relation to the use of radio communication channel or frequency, shall have his licence cancelled.

(3) Any person who uses one or more numbers or electronic addresses without obtaining any relevant individual assignment or class assignment, commits an offence and shall upon conviction be liable to a fine of not less than five million Tanzanian shillings or imprisonment for a term not less than twelve months or to both, and shall be liable to a fine of seven hundred and fifty thousand Tanzanian shillings for everyday during which the offence continued.

Penalty for transmission of obscene communication
Act No. 12 of 2019 s. 10

118. Any person who-

(a) by means of any network facilities, network services, applications services or content services, knowingly makes, creates, or solicits or initiates the transmission of any comment, request, suggestion or other communication which is obscene, indecent, false, menacing or offensive in character with intent to annoy, abuse, threaten or harass another person;

(b) initiates a communication using any applications services, whether continuously, repeatedly or otherwise, during which communication may or may not ensue, with or without disclosing his identity and with intent to annoy, abuse, threaten or harass any person at any number or electronic address;

(c) by means of any network services or applications service provides any obscene communication to any person; or

(d) permits any network services or application services, under the person's control to be used for an activity described in section 117 (3),

commits an offence and shall, upon conviction, be liable to a fine of not less than five million Tanzanian shillings or imprisonment for a term not less than twelve months, or to both and shall also be liable to a fine of seven hundred and fifty thousand Tanzanian shillings for every day during which the offence continued.

Penalty for failure to obtain radio frequency spectrum licence

119. Any person who uses radio frequency spectrum without having first obtained any relevant class licence commits an offence and shall be liable upon conviction to a fine of five million Tanzanian shillings or imprisonment for a term of not less than twelve months or to both fine and imprisonment and in case of a continuing offence to a fine of not less than one million five hundred thousand Tanzanian shillings.

Penalty for

120. Any person who, without lawful authority

interception of communications

under this Act or any other written law-

(a) intercepts, attempts to intercept, or procures any other person to intercept or attempt to intercept any communications;

(b) discloses, or attempts to disclose to any other person the contents of any communications, knowingly or having reason to believe that the information was obtained through the interception of any communications in contravention of this section; or

(c) uses, or attempts to use the contents of any communications, knowingly or having reason to believe that the information was obtained through the interception of any communications in contravention of this section,

commits an offence and shall, on conviction, be liable to a fine of not less than five million Tanzanian shillings or to imprisonment for a term of not less than twelve months, or to both.

Authorised person discloses interception to others

121.-(1) Any person who is authorised under this Act intentionally discloses, or attempts to disclose, to any other person the contents of any communications, intercepted by means authorised by this Act-

(a) knowing or having reason to believe that the information was obtained through the interception of such communications in connection with a criminal investigation;

(b) having obtained or received the information in connection with a criminal investigation; or

(c) improperly obstructs, impedes, or interferes with a duly authorised criminal investigation,

commits an offence and shall, on conviction, be liable to a fine of not less than five million Tanzanian shillings or to imprisonment for a term of not less than twelve months or to both.

(2) It shall be lawful under this Act for an officer, employee or agent of any network facilities provider, network service provider, application service provider or

content service provider whose facilities or services are used in communications, to intercept, disclose, or use those communications in the normal course of his employment while engaged in any activity which is a necessary incident to the performance of his facilities or services or to the protection of the rights or property of the provider of the facilities or services, but the provider shall not utilise the facilities or services for observing or random monitoring unless it is for mechanical or service quality control or checks.

Penalty for fraudulent use of network facilities, network services, applications services and content services

122. Any person who-

(a) dishonestly transmits or allows to be transmitted any communication or obtains a service provided by a licensed network facilities provider, network services provider, applications services provider or content services provider with intent to avoid payment of any rate or fee applicable to the provision of that facility or services; or

(b) posseses, obtains or creates a system designed to fraudulently use or obtain any network facilities, network service, applications service or content service,

commits an offence and shall, on conviction, be liable to a fine of not less than five million Tanzanian shillings or to imprisonment for a term not less than two years or to both.

Penalty for interference of transmission of electronic communica-tions

123.-(1) Any person who without probable cause, interferes with or obstructs the transmission or reception of any electronic communications commits an offence and upon conviction shall be liable to a fine of not less than five million Tanzanian shillings or to imprisonment for a term not less than two years or to both.

(2) When a court is convicting a person of an offence under this section may, in addition to any penalty that may impose, order forfeiture to the Authority of any electronic communication equipment or other material in relation to or in connection with the means the offence was

committed.

(3) Not withstanding subsection (2), no order for forfeiture shall be made by the court where it is proved that the electronic communication equipment in question is not owned by the person so convicted.

Establishment of National Computer Emergency Response Team
Act No. 14 of 2015 s. 53

124.-(1) There is hereby established a National Computer Emergency Response Team (CERT), which shall coordinate response to cyber security incidents at the national level and cooperate with regional and international entities involved with the management of cyber security incidents.

(2) The Minister may make regulations with respect to the composition and duties of CERT.

(b) Offences and Penalties Relating to SIM Card

Sale, transfer, or disposal of SIM cards without authority of network service licensee

125. Any dealer or person who sells or distributes any SIM card without authorisation of the appropriate network service licensee shall be guilty of an offence and be liable on conviction to a fine of seven million Tanzanian shillings or to imprisonment for a term of two years or to both.

Failure to give satisfactory account of mobile telephone or SIM card

126. Any person who is found in possession of any mobile telephone or SIM card in regard to which there is reasonable suspicion that it has been stolen and is unable to give a satisfactory account of such possession, commits an offence and is liable on conviction to a fine not exceeding five hundred thousand Tanzanian shillings or to imprisonment for a term not exceeding three months.

Absence of reasonable cause for believing mobile telephone or SIM card properly acquired

127.-(1) Any person who in any manner acquires or receives into his possession from any other person a stolen mobile telephone or SIM card without having reasonable cause to believe that at the time of such acquisition or receipt that mobile telephone or SIM card was the property of the person from whom he acquires or receives it or that

person has been duly authorised by the owner to deal with it or dispose of, is guilty of an offence.

(2) In the absence of evidence to the contrary which raises a reasonable doubt, proof of such possession is sufficient evidence of the absence of reasonable doubt.

(3) Any person who commits an offence under this section shall, on conviction, be liable to a fine of seven million Tanzanian shillings or to imprisonment for a term of two years or to both.

Failure to report loss or theft of mobile telephone or SIM card

128.-(1) Any person who fails to report the loss, theft or destruction of a mobile telephone or SIM card commits an offence.

(2) Whenever a person is charged with an offence under subsection (1) and it is proved that such person was, at the time, the owner or authorised possessor of the mobile telephone or SIM card alleged to have been lost, stolen or destroyed, proof that the person has failed to produce such mobile telephone or SIM card within seven days of a written request by a police or other law enforcement officer, shall, in the absence of evidence to the contrary which raises reasonable doubt, be sufficient evidence that the mobile telephone or SIM card has been lost, stolen or destroyed.

(3) Any person who commits an offence under this section shall, on conviction, be liable to a fine of three hundred thousand shillings but not more than five hundred thousand Tanzanian shillings or to imprisonment for a term of six months or to both.

Tampering with mobile telephone and SIM card

129. Any person who, intentionally and unlawfully in any manner-

(a) tempers, modifies, alters, reconfigures or interferes with mobile telephone or SIM card or any part thereof; and

(b) reverse engineers, decompiles, disassembles or interferes with mobile telephone or SIM card, or any part thereof,

commits an offence and shall be liable on conviction to a

fine of thirty million Tanzanian shillings or to imprisonment for a term not exceeding ten years or both.

Recording sale of mobile telephone and SIM card

130.-(1) Any person who sells or in any other manner provides, any mobile telephone or SIM card to any other person, natural or legal, without recording the particulars of that person as required by section 102 of this Act, commits an offence and on conviction shall be liable to a fine of three million Tanzanian shillings or to imprisonment for a term of twelve months or to both.

(2) Where the offender is a network service licensee or operator it shall be liable to a fine of fifteen million Tanzanian shillings.

(3) Where the offender is an employee of the network service licensee or a legal person, he shall be liable to the same penalty as provided under subsection (1).

Use of unregistered SIM card Act No. 12 of 2019 s. 11

131.-(1) Any person who knowingly and with intent to defraud uses an unregistered SIM card or built in SIM card mobile telephone or in any manner, misuses SIM card, commits an offence and shall, upon conviction, be liable to a fine not less than three million Tanzanian shillings or imprisonment for a term of not less than six months or to both.

(2) A service provider, distributor, agent or dealer authorised to sell or distribute the detachable SIM card, or built-in SIM card mobile telephone, who in any manner causes to be used unregistered SIM card, commits an offence and shall, upon conviction, be liable to a fine of less than ten million Tanzanian shillings or imprisonment for a term of twenty four months or to both and where the commission of offence continues, the offender shall be liable to a fine of seven hundred and fifty thousand Tanzanian shillings for each day during which the commission of offence continues.

False information or statement

132. Any person who furnishes information or makes a statement knowing that such information or statement is false, incorrect or misleading or not believing

it to be true, commits an offence and shall be liable on conviction to a fine of three million Tanzanian shillings or to imprisonment for a term of twelve months or to both.

Obstruction to perform duties

133. Any person who obstructs, hinders or interferes with an authorised person to execute any direction issued under this Act or assists with the execution thereof, commits an offence and shall be liable on conviction to a fine not exceeding three million Tanzanian shillings or to imprisonment for a term of twelve months or to both.

Offence of allowing use of black listed phone

134. Any network service licensee who allows any black listed mobile telephones to operate commits an offence and shall be liable on conviction to a fine of seventy five million Tanzanian shillings or imprisonment for a term of five years or to both.

Tampering with blacklisted phones
Cap. 4
s. 8

135. Any person who physically or electronically tempers with any blacklisted mobile telephone commits an offence and shall be liable on conviction to a fine of one million five hundred thousand Tanzanian shillings or imprisonment for a term of five years or to both.

No prosecution if acts in course of employment or in good faith

136. A person shall not be liable to prosecution for a contravention of this Act if he acts in the course of his employment or in good faith assists an authorised person and believes that such authorised person is acting in accordance with this Act.

Prohibitions in respect of radio communication and electronic communication equipment
Act No. 6 of 2021
s. 8
Cap. 4

137.-(1) A person shall not possess any radio communication equipment except in accordance with a licence issued under this Act.

(2) Any person who contravenes or fails to comply with subsection (1), commits an offence.

(3) For the purpose of this section, the term "radio communication equipment" means-

(a) SIM Box;

(b) signal jarmer equipment; or